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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gregory A. HAIR *et al.*

Application No.: 09/986,625

Filed: November 9, 2001

For: NOVEL BONE MINERALIZATION
PROTEINS, DNA, VECTORS,
EXPRESSION SYSTEMS

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of this application.

Copies of the listed documents were previously submitted in a prior application, no. 09/124,238, filed date July 29, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

WO 93/16739 is a French language document. It describes a collagen- and fibrin adhesive-based graft for osteocartilaginous reconstruction wherein the volume of fibrin adhesive is relative to collagen matrix is at least $\frac{1}{4}$.

WO 93/15109 is a German language document. It describes parathyroid hormone fragments having a calcium regulating activity in the body.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 15, 2002

By: 

Steven P. O'Connor
Reg. No. 41,225

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
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